

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL WARZEK,

Plaintiff,

v.

VALLEY STATE PRISON, et al.,

Defendants.

No. 1:20-cv-00027 NODJ GSA (PC)

ORDER GRANTING DEFENDANTS'
MOTION FOR ADMINISTRATIVE RELIEF
RE: MODIFICATION OF SCHEDULING
ORDER

(ECF No. 58)

EXHAUSTION-BASED MOTION FOR
SUMMARY JUDGMENT DUE **MARCH 1,**
2024

Defendants have filed a motion for administrative relief with respect to the current discovery and scheduling order. ECF No. 58. In it, they ask for a fourteen-day extension of time to file an exhaustion-based motion for summary judgment. Id. at 2. Currently, the motion is due February 16, 2024. See ECF No. 55 (discovery and scheduling order). They ask for an extension up to and including March 1, 2024, to file it. ECF No. 58 at 2.

In support of the motion to modify the discovery and scheduling order, counsel for Defendants states that she has exercised reasonable diligence in investigating and preparing to bring the motion and that she began to review this case soon after it was assigned to her. ECF No. 58 at 3. She asserts that the additional time is needed to obtain and review declarations from

1 the California Department of Corrections and Rehabilitation prior to them being added to the
2 motion for summary judgment. Id. Counsel also points out that a grant of the additional time
3 requested will not move other deadlines, nor will it delay these proceedings. Finally, counsel
4 states that although Plaintiff, who is incarcerated, could not be quickly reached regarding the
5 extension request, immediate notice of the ex parte motion will be sent to him. ECF No. 58 at 4.
6 Good cause appearing, the motion will be granted.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Defendants' motion for administrative relief regarding modification of the scheduling
9 order (ECF No. 58) is GRANTED, and

10 2. Defendants shall have until, but no later than **March 1, 2024**, to file their anticipated
11 exhaustion-based motion for summary judgment.

12
13 IT IS SO ORDERED.

14 Dated: **January 23, 2024**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE